

Office of Child Welfare Programs

Policy
Transmittal

Maurita Johnson, Deputy Director of Child
Welfare Programs

Authorized Signature

Number: CW-PT-14-005

Issue Date: 2/14/14

Topic: Other

Transmitting (check the box that best applies):

- ☐ New policy ☐ Policy change ☐ Policy clarification ☐ Executive letter
☐ Administrative Rule ☐ Manual update ☐ Other: _____

Applies to (check all that apply):

- ☐ All DHS employees ☐ County DD Program Managers
☐ Area Agencies on Aging ☐ County Mental Health Directors
☐ Aging and People with Disabilities ☐ Health Services
☒ Child Welfare Programs ☐ Other (please specify): _____

Policy/rule title:	I.E.3.6.2 Guardianship Assistance I.G.3.1 Adoption Assistance		
Policy/rule number(s):	I.E.3.6.2/OAR 413-070-0900 to 413-070-0974 I.G.3.1/OAR 413-130-0000 to 413- 130-0130	Release no:	
Effective date:	February 1, 2014	Expiration:	NA
References:	Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) Child Welfare Policy I-A.5.2, Contested Case Hearings Child Welfare Policy I-E.6.1, Title IV-E and General Assistance ORS 418.330-418.340 Public Law 96-272 Public Law 99-514		
Web Address:	http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-e362.pdf http://www.dhs.state.or.us/policy/childwelfare/manual_1/i-g31.pdf		

Discussion/interpretation:

[I.E.3.6.2 Guardianship Assistance \(OAR 413-070-0900 to 413-070-0974\)](#)

These rules are being amended to update and clarify various requirements and processes related to guardianship assistance. These rules are being amended to include cases in which the child is in the care or custody of a tribe rather than the Department, and to clarify that certain timeframes are to be counted in calendar days.

OAR 413-070-0905 is also being amended to update the circumstances in which a foster parent may be considered a relative for purposes of guardianship assistance. In addition to other criteria, a foster parent must have cared for the child for at **least 12 of the past 24 months** in order to be considered for the purposes of guardianship assistance. The prior rule required 12 consecutive months.

OAR 413-070-0909 is also being amended to remove language that no longer applies regarding non-relative guardianship assistance.

OAR 413-070-0917 is also being amended to clarify the documentation requirements and timeframes for requests for extensions of guardianship assistance for young adults.

OAR 413-070-0934 is also being amended to add a timeframe when negotiation of the guardianship assistance agreement is delayed.

OAR 413-070-0939 is also being amended to update and streamline the review process when there is disagreement about the base rate payment.

OAR 413-070-0964 is also being amended to remove the requirement to submit a copy of the annual court report to the Department; to add language allowing the Department to provide information to the guardian, court, or tribe; to request information from guardians, and to establish a timeframe for guardians to respond to inquiries from the Adoption Assistance and Guardianship Assistance Unit.

OAR 413-070-0974 is also being amended to state that a child receiving guardianship assistance who is subsequently adopted by the guardian may be eligible for adoption assistance.

In addition, the above rules may also have been changed to reflect new Department terminology and to correct formatting and punctuation.

The rules also add language allowing the Department to provide information to the guardian, court, or tribe; to request information from guardians, and to establish a

timeframe for guardians to respond to inquiries from the Adoption Assistance and Guardianship Assistance Unit.

I.G.3.1 Adoption Assistance (OAR 413-130-0000 to 413-130-0130)

These rules are being amended to update and clarify various requirements, processes, and cross-references related to adoption assistance. Several rules are being amended to clarify that certain timeframes are to be counted in calendar days.

OAR 413-130-0010 and 413-130-0080 are also being amended to raise the cap on nonrecurring adoption expenses that the Department may reimburse. The cap is now \$2000.

OAR 413-130-0050 is also being amended to add a timeframe when negotiation of the adoption assistance agreement is delayed.

OAR 413-130-0055 is also being amended to clarify the documentation requirements and timeframes for requests for extensions of adoption assistance for young adults.

OAR 413-130-0070 is also being amended to update and streamline the review process when there is disagreement about the base rate payment.

OAR 413-130-0130 is also being amended to clarify the circumstances in which historic information about the child can be reviewed.

In addition, the above rules may also be changed to reflect new Department terminology and to correct formatting and punctuation.

Implementation/transition instructions: The procedure manual regarding Adoption Assistance and Guardianship Assistance is being updated to incorporate these changes.

Training/communication plan: Information about the rule changes will be shared with the courts and other stakeholders by Central Office program staff.

Local/branch action required: These changes should be reviewed by permanency, adoption, and certification staff.

Central office action required: Central Office staff administering guardianship assistance and adoption assistance should review and act upon these rules. All

requests for non-recurring reimbursement shall be processed under the new fee limit. Central Office staff will respond to policy questions and provide consultation and training as requested for local office staff.

Field/stakeholder review: ☒ Yes ☐ No

If yes, reviewed by: Rules Advisory Committee, Policy Council, public comment period and public hearing.

Filing Instructions: NA

If you have any questions about this policy, contact:

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